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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,791	06/21/2001	David Gray Boyer	Boyer 4-2-2-1-2-6-11-11	6160
46304 7590 02/28/2007 RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			EXAMINER MEKY, MOUSTAFA M	
			ART UNIT	PAPER NUMBER
			2157	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/28/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/886,791	<b>Applicant(s)</b> BOYER ET AL.	
	<b>Examiner</b> Moustafa M. Meky	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,14-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12, 14-19, 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. The amendment filed 12/27/2006 has been entered and considered by the examiner.
2. Claims 1, 3-10, 12, 14-19, 21-28 are presenting for examination.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-10, 12, 14-19, 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang (US Pat. No. 6,731,308).
5. As to claim 1, Tang shows in Fig 1, a method for use in a collaborative system (see col 7, lines 15-20) comprising the steps of:

- setting a plurality of participants in a group to collaboratively communicate, see col 7, lines 55-62;
- determine presence information of each participant in the group in accordance with a use of device associated with each participant and monitored by the collaborative system, wherein the system provides direct access to a telephone network and internet communication see col 4, lines 12-16, col 7, lines 55-59, col 8, lines 5-8, lines 17-23, col 9, lines 59-63;
- dynamically displaying a visual representation having a plurality of display windows including the participants, the collected presence information, and a

communication mechanism to initiate mode of communicating with one or more other participants, see col 9, lines 10-22; and

- employing the displayed presence information and at least one mechanism to initiate the communication, see col 9, lines 53-67, col 10, lines 1-3;

wherein at least one mechanism includes using the collaborative system to set up one or more telephone calls via the telephone network to initiate communication with other participants, see col 9, lines 59 –60.

6. As to claim 3, the mode of communicating includes at least either an asynchronous mode or a synchronous mode, see col 9, lines 64-65.

7. As to claim 4, the step of dynamically displaying includes a step of automatically updating one or more of the display windows, see col 10, lines 1-2.

8. As to claim 5, the step of automatically collecting presence information includes a step of automatically updating the presence information, see col 8, lines 22-26.

9. As to claim 6, the presence information for a participant represents prescribed activities of the participant regarding one or more of predetermined instrumentalities and/or actions, see col 8, lines 22-26.

10. As to claim 7, the mechanisms includes at least email, chat, and voice call, see col 9, lines 56-67.

11. As to claim 8, maintaining the collected and updated presence information and notifying the participants of changes of status in the presence information for participants in the group, see col 8, lines 22-26.

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12. As to claim 9, the step of dynamically displaying includes display windows for displaying at least documents relating to collaborative purpose, see col 9, lines 62-63.

13. As to claim 10, the mechanism includes persistent chat and the step of employing the displayed presence information and at least one mechanism includes initiating a persistent chat session, see col 9, lines 62-63.

14. As to claims 12, 14-19, 21-28, the claims are similar in scope to claims 1, 3-10, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-14 that Tang anticipates claims 1, 3-10, 12, 14-19, 21-28.

15. The applicant argues in his remarks that Tang fails to teach a collaborative system that has direct access to a telephone network and setting up one or more telephone calls via the telephone network.

15.1. In response to the above argument, Tang clearly shows the use of telephone network with the collaboration system, see col 8, lines 22-23, col 9, line 67.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMM  
2/27/2007

  
MOUSTAFA M. MEKY  
PATENT EXAMINER